

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
NO. 4:17-CR-00024-H

UNITED STATES OF AMERICA :  
:  
v. :  
:  
DARIUS COTY WHITAKER :  
:

**ORDER OF FORFEITURE**

WHEREAS, pursuant to the entry of a Memorandum of Plea Agreement by the defendant on December 7, 2017, and further evidence of record as presented by the Government, the Court finds that the following property is hereby forfeitable pursuant to 18 U.S.C. § 924(d)(1), made applicable to this proceeding by virtue of 28 U.S.C. § 2461(c), as a firearm and ammunition used in knowing violations of 18 U.S.C. § 924(c), to wit:

(a) Rock Island Armory, .38 caliber revolver, bearing serial number RIA1357383, and

(b) Any and all related ammunition;

AND WHEREAS, by virtue of said Memorandum of Plea Agreement, the United States is now entitled to possession of said personal property, pursuant to Fed. R. Crim. P. 32.2(b)(3);

It is hereby ORDERED, ADJUDGED and DECREED:

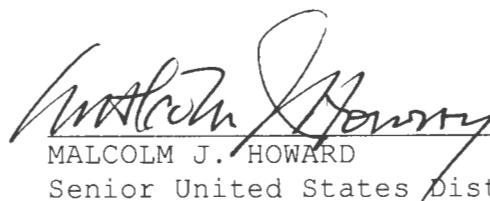
1. That based upon the Memorandum of Plea Agreement as to the defendant, the United States is hereby authorized to seize the

above-stated personal property, and it is hereby forfeited to the United States for disposition in accordance with the law, including destruction, as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order shall be final as to the defendant upon entry.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B).

The Clerk is hereby directed to send copies of this Order to all counsel of record.

SO ORDERED. This 5<sup>th</sup> day of February 2019.



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MALCOLM J. HOWARD  
Senior United States District Judge